

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:23-CV-00077

AMY BRYANT, M.D.,)
v. Plaintiff,)
JOSHUA H. STEIN in his official capacity as)
Attorney General for the State of North)
Carolina, et al.,)
Defendants.)
THE ATTORNEY GENERAL'S
RESPONSE TO MOTION TO
INTERVENE BY PHILLIP E.
BERGER AND TIMOTHY K.
MOORE

On January 25, 2023, Plaintiff filed this lawsuit. On February 13, 2023, the Attorney General's General Counsel sent the legislative leaders a letter that stated, as relevant here:

[A]fter review and analysis, we have concluded that Plaintiff's preemption arguments are legally correct. Consistent with its statutory authority, the FDA has determined that restrictions like the ones imposed under North Carolina state law would unduly burden patients' access to a safe and effective drug. The Supremacy Clause of the U.S. Constitution does not permit States to pass laws that undermine that determination.

(DE 30-1) The letter made clear that the Attorney General would cooperate with intervention should the legislative leaders elect to intervene. (*Id.*)

On February 21, 2023, the legislative leaders moved to intervene. (DE 29) Under the circumstances, the Attorney General respectfully informs the Court that he does not oppose intervention in this matter.

Respectfully submitted, this 27th day of February, 2023.

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